

Message Text

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INFO AMCONSUL CAPE TOWN
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C O N F I D E N T I A L PRETORIA 4942

E.O. 11652: GDS
TAGS: PGOV, SF
SUBJECT: DIEDERICH'S DEATH GIVES NATS DILEMMA

REF: PRETORIA 4740

1. THE NATIONALIST GOVERNMENT OF JOHN VORSTER FACES TWO MAJOR POLITICAL QUESTIONS FOLLOWING THE DEATH IN OFFICE OF STATE PRESIDENT NICOLAAS DIEDERICH'S (REFTEL). THE FIRST PROBLEM IS STRICTLY PROCEDURAL. UNDER THE SA CONSTITUTION, A NEW PRESIDENT MUST BE APPOINTED WITHIN THREE MONTHS AFTER THE INCUMBENT'S DEATH. ACCORDING TO SA LAW, THE STATE PRESIDENT IS ELECTED BY AN ELECTORAL COLLEGE CONSISTING OF THE MEMBERS OF PARLIAMENT AND THE SENATE UNDER THE CHAIRMANSHIP OF THE CHIEF JUSTICE. SINCE THE NEXT PARLIAMENTARY SESSION IS NOT SCHEDULED TO BEGIN UNTIL FEBRUARY, IT WOULD APPARENTLY BE NECESSARY TO CALL A SPECIAL SESSION TO ELECT A NEW PRESIDENT. HOWEVER, PRESS REPORTS SAY UNIVERSITY OF SOUTH AFRICA CONSTITUTIONAL LAW DEPARTMENT HEAD, MARINUS WEICKERS, HAS SUGGESTED THAT THE ELECTORAL COLLEGE MIGHT NOT HAVE TO CONVENE IN PARLIAMENT. ANOTHER ALTERNATIVE
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WHICH HAS BEEN SUGGESTED IN THE PRESS WOULD BE TO CONTINUE WITH MARAIS VILJOEN AS ACTING PRESIDENT UNTIL THE NEXT PARLIAMENT CONVENES. WHETHER THE CONSTITUTION WOULD PERMIT THIS IS NOT CLEAR.

2. A MORE IMPORTANT CONSIDERATION IS THE EXPECTED 1980 OR 1981 IMPLEMENTATION OF THE PROPOSED NEW CONSTITUTION. THE NEW

CHARTER IS EXPECTED TO PROVIDE FOR A MORE POWERFUL EXECUTIVE STATE PRESIDENT, BUT DEPENDING ON WHAT AUTHORITY IS GIVEN TO THE PROPOSED JOINT CABINET COUNCIL, THE POSITION COULD BE A LESS DYNAMIC ONE THAN CURRENTLY SUPPOSED. IT IS GENERALLY ACCEPTED HERE THAT VORSTER COULD ASCEND TO THE NEW EXECUTIVE STATE PRESIDENCY SHOULD HE WISH TO DO SO.

3. IF VORSTER HAS MADE UP HIS MIND NOT TO STEP UP TO THE STATE PRESIDENCY WHEN THE NEW CONSTITUTION IS IMPLEMENTED, THE PARTY COULD CONCEIVABLY CHOOSE SOMEONE TO REPLACE DIEDERICH'S WITH THE EXPECTATION THAT HE WOULD CONTINUE AS STATE PRESIDENT UNDER THE NEW CONSTITUTION. GIVEN THE POSSIBILITY THAT THE FUTURE STATE PRESIDENCY COULD BE OR COULD DEVELOP INTO THE PRINCIPAL LEADERSHIP POSITION IN THE GOVERNMENT, COMPETITION TO REPLACE DIEDERICH'S WOULD BE INTENSE. BUT, VERY LIKELY, VORSTER IS NOT PREPARED AT THIS POINT TO MAKE KNOWN HIS LONG RANGE PLANS, IF, INDEED, HE HAS DECIDED ON HIS COURSE. THUS, GIVEN ALL OF THE UNKNOWN'S, IT SEEMS LIKELY THAT A CANDIDATE WILL BE CHOSEN TO REPLACE DIEDERICH'S WITH THE UNDERSTANDING THAT HE WOULD PROBABLY BE EXPECTED TO STEP DOWN WHEN THE NEW CONSTITUTIONAL SET-UP BEGINS.

4. THE ELECTION IS NOT LIKELY TO BE CONTESTED WITHIN
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THE NATIONALIST PARTY. THE PARTY HAS ALWAYS DECIDED ON A SINGLE CANDIDATE BEFORE THE ELECTORAL COLLEGE CONVENES. THE ONLY NAMES BESIDES VILJOEN'S BEING SUGGESTED SO FAR IN NATIONALIST CIRCLES FOR THE OFFICE ARE THOSE OF THE FORMER MINISTER OF FOREIGN AFFAIRS, DR. HILGAARD MULLER, AND THE PRESENT MINISTER OF TRANSPORT, S.L. MULLER. OPPOSITION PARTIES HAVE REPORTEDLY NOT YET DECIDED WHETHER TO FIELD CANDIDATES FOR THE OFFICE. SUCH CANDIDACIES WOULD, OF COURSE, BE SYMBOLIC ONLY.
EDMONDSON

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